

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JACK WALKER,
Plaintiff,

vs.

300 SOUTH MAIN, LLC.,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING MOTION FOR
EXTENSION OF TIME AS MOOT

Case No. 2:05-CV-442 TS

300 South Main's counsel seeks a brief extension of time to file an objection to Walker's Bill of Costs on the grounds that counsel incorrectly believed the response time was 15 days instead of 10 days. The Court finds the Bill of Costs was filed on April 1, 2009. Under Fed. R. Civ P. 6(a)(b)(2), weekends and holidays are excluded in computing the ten-day objection period because it is less than eleven days. Further, the three-day mailing rule applies when a document, such as the Bill of Costs, is served electronically.¹ Thus, the Objection would have been due on April 18, 2009, a Saturday. When the last day falls


¹District of Utah CM/ECF Administrative Procedures Manual, § II (H)(5).

on a weekend, the time is extended to the following Monday,² in this case, April 20, 2009. The Objection was filed on April 17, 2009,³ and was timely. Therefore, the Motion to Extend the time to file an objection is moot because it was timely filed. It is therefore

ORDERED that Respondent's Motion for Extension of Time (Docket No. 254) is DENIED AS MOOT.

DATED April 20, 2009.

BY THE COURT:



TED STEWART
United States District Judge

²Fed. R. Civ. P. 6(a)(3).

³Docket No. 255.